

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-21  
AGENDA DATE: Thu 12/15/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0137 - 1109 South Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor-sales-conditional overlay (CS-1-CO) combining district zoning. Applicant and Agent: Bobbie Lemmond. City Staff: Robert Heil, 974-2330.

**REQUESTING**      Neighborhood Planning  
**DEPARTMENT:**      and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0137

**ZAP Date:** October 18, 2005  
October 4, 2005

**ADDRESS:** 1109 S. Lamar Blvd.

**OWNER/APPLICANT:** Bobbie Lemmond

**AGENT:** Vincent Gerard & Associates  
(Vincent Huebinger)

**ZONING FROM:** CS

**TO:** CS-1-CO

**AREA:** 0.287 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of Commercial Liquor Sales – Conditional Overlay (CS-1-CO). The conditional overlay would make liquor sales a prohibited use, and would limit trips generated by the site to no more than 2000 vehicle trips per day.

The applicant agrees with the conditional overlay.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

October 4, 2005: Postponed to 10/18 by the neighborhood.

October 18, 2005: *DENIED STAFF'S REQUEST FOR CS-1-CO ZONING (8-0)*  
(J.M; JD 2<sup>ND</sup>, TR LEFT EARLY)

### **DEPARTMENT COMMENTS:**

Staff recommends approval Commercial Liquor Sales – Conditional Overlay (CS-1-CO). The conditional overlay would make liquor sales a prohibited use, and would limit trips generated by the site to no more than 2000 vehicle trips per day.

The stated intent of the applicant is renovate the existing building, formerly housing an automotive repair business, and open a live music venue, serving alcohol.

The property lies within the proposed Zilker Neighborhood Planning Area, which will beginning its plan in October.

There does not appear to be adequate parking on site for the proposed use. The applicant is pursuing shared parking arrangements with surrounding property owners on the east side of Lamar. Parking will be fully addressed at the site plan review.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Automotive Repair
<i>North</i>	CS	Salon, Bike Shop Auto Repair
<i>South</i>	CS-MU-CO	Undeveloped, Print Shop
<i>East</i>	CS	Sound Studio, Music Shop, Equipment Repair
<i>West</i>	GR & CS	Fast Food, Restaurant, Theater

**AREA STUDY:** The property lies within the proposed Zilker Neighborhood Planning Area, which will beginning its plan in October.

**TIA:** N/A

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- A Better Barton Creek
- Zilker Neighborhood Assn.
- Barton Springs/ Edwards Aquifer Conservation Dist.
- South Central Coalition
- Austin Neighborhoods Council
- Save Our Springs Alliance
- Bouldin Forward Thinking

**SCHOOLS: (AISD)**

Zilker Elementary School

O. Henry Middle School

Austin High School

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
South Lamar Boulevard	90'	60'	Arterial
Gibson Street	50'	36'	Collector

Capital Metro bus service is available along Lamar Boulevard.  
There are existing sidewalks along Lamar Boulevard.

**CITY COUNCIL DATE:****ACTION:**

11/17/05

Postponed to 12/01 at the request of the applicant.

12/01/05

Postponed to 12/15 at the request of the applicant.

C14-05-0137

12/15/05

**ORDINANCE READINGS:**

**1<sup>ST</sup>**

**2<sup>ND</sup>**

**3<sup>RD</sup>**

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

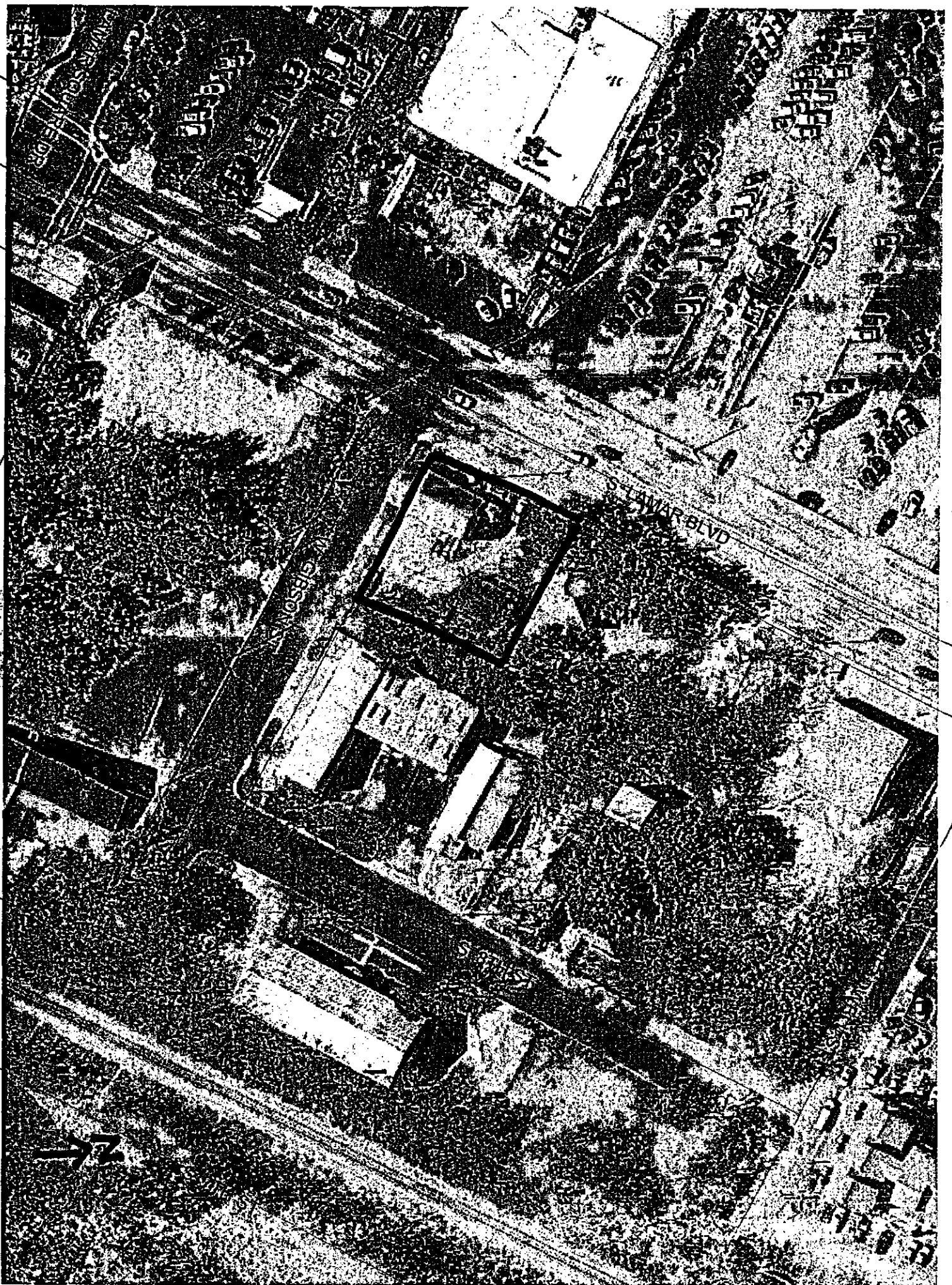
**PHONE:** 974-2330



**SUBJECT AREA (acres): 0.287**

**INTLS: SM**

**H21**



**SUMMARY STAFF RECOMMENDATION**

**C14-05-0155**

Staff recommends approval Commercial Liquor Sales – Conditional Overlay (CS-1-CO). The conditional overlay would make liquor sales a prohibited use, and would limit trips generated by the site to no more than 2000 vehicle trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The site is currently zoned for intense commercial use. The change to CS-1-CO would prohibit liquor sales as a use, but would allow a music venue serving alcohol. Such a use, classified as a cocktail lounge, is appropriate for the site.

2. *Granting of the request should result in an equal treatment of similarly situated properties.*

Similarly situated sites have been granted CS-1 zoning for similar uses. There are both music venues and other businesses which have liquor sales as a significant portion of their sales along South Lamar.

**EXISTING CONDITIONS**

The stated intent of the applicant is renovate the existing building, formerly housing an automotive repair business, and open a live music venue, serving alcohol.

The surrounding land is predominated by General Commercial Services (CS) zoning and intense commercial uses.

There are no significant site constraints which would prevent the property from being used as a cocktail lounge.

**Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 2,758 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is available along Lamar Boulevard.

There are existing sidewalks along Lamar Boulevard.

**Existing Street Characteristics:**

NAME	ROW	PAVEMENT	CLASSIFICATION
South Lamar Boulevard	90'	60'	Arterial
Gibson Street	50'	36'	Collector

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.



**Site Plan**

The site is subject to compatibility standards due to the SF-3 zoned property within 540 feet. Along the north and west property line, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.